UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21109
25 January 1990

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

1. At the 63rd plenary meeting of its forty-fourth session, on 22 November 1989, the General Assembly adopted resolution 44/27, entitled "Policies of apartheid of the Government of South Africa". 1/

2. In paragraph 4 of resolution 44/27 C, the General Assembly:

"Urges the Security Council to consider immediate action under Chapter VII of the Charter of the United Nations with a view to applying comprehensive and mandatory sanctions against the racist régime of South Africa as long as it continues to disregard the demands of the majority of the people of South Africa and of the international community to eradicate apartheid."

3. In paragraph 4 of resolution 44/27 H, the General Assembly:

"Urges the Security Council to take action without further delay to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa as well as on the supply of equipment and technology to, financing of and investment in its oil industry and coal liquefaction projects."

4. In paragraph 3 of resolution 44/27 I, the General Assembly:

"Urges the Security Council to consider immediate steps to ensure the scrupulous and full implementation of the arms embargo imposed by the Council in resolutions 418 (1977) of 4 November 1977 and 558 (1984) of 13 December 1984 and its effective monitoring."

5. In paragraphs 5 and 6 of resolution 44/27 K, the General Assembly:

"5. Urges the Security Council to consider without delay the adoption of effective mandatory sanctions against South Africa;

"6. Also urges the Security Council to take steps for the strict implementation of the mandatory arms embargo instituted by it in resolution 418 (1977) and of the arms embargo requested in its resolution 558 (1984) and, within the context of the relevant resolutions, to secure an end to military and nuclear co-operation with South Africa and the import of military equipment or supplies from South Africa."

Notes

1/ Not reproduced in the present document; for the full text, see document A/RES/44/27.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21110
25 January 1990

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

1. At the 81st plenary meeting of its forty-fourth session, on 15 December 1989, the General Assembly adopted resolution 44/113, entitled "Implementation of the Declaration on the Denuclearization of Africa". 1/

2. In paragraph 14 of resolution 44/113 B, the General Assembly:

> "Commends the adoption by the Security Council of resolutions 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986 on the question of South Africa, with a view to blocking the existing loopholes in the arms embargo so as to render it more effective and to prohibiting, in particular, all forms of co-operation and collaboration with the racist régime of South Africa in the nuclear field."

Notes

1/ Not reproduced in the present document; for the full text, see document A/RES/44/113.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21111
25 January 1990

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

1. At the 81st plenary meeting of its forty-fourth session, on 15 December 1989, the General Assembly adopted resolution 44/115, entitled "Chemical and bacteriological (biological) weapons". 1/

2. In paragraph 7 of resolution 44/115 B, the General Assembly:

> "Notes with satisfaction that the Security Council decided to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures in accordance with the Charter of the United Nations." 2/

Notes

1/ Not reproduced in the present document; for the full text, see document A/RES/44/115.

2/ Security Council resolution 620 (1988).

90-01953 1508d (E)

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21112
25 January 1990

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

1. At the 81st plenary meeting of its forty-fourth session, on 15 December 1989, the General Assembly adopted resolution 44/121, entitled, "Israeli nuclear armament". 1/

2. In paragraph 4 of the resolution, the General Assembly:

> "Requests once more the Security Council to take urgent and effective measures to ensure that Israel complies with Council resolution 487 (1981)."

Notes

1/ Not reproduced in the present document; for the full text, see document A/RES/44/121.

90-01959 1464j (E)

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21113
25 January 1990
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 25 JANUARY 1990 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to draw your attention to the statement issued by the Ministry of Foreign Affairs of the Republic of Cuba concerning the recent serious incidents that occurred in the People's Republic of Angola, which speak for themselves.

I should be grateful if you would have this letter and its annex distributed as an official document of the Security Council.

(Signed) Ricardo ALARCON DE QUESADA
Ambassador
Permanent Representative

Annex

STATEMENT BY THE MINISTRY OF FOREIGN AFFAIRS OF CUBA

As is already common knowledge, on the morning of 21 January four Cuba soldiers were treacherously killed and five wounded in a dastardly attack carried out by a detachment of the União Nacional para a Independência Total de Angola (UNITA) against a Cuban military unit's water-purification and -supply point situated some 22 kilometres north of Lobito, in territory north of the 13th parallel, in the People's Republic of Angola, to which Cuban troops have been pulled back in compliance with the New York agreements.

The water-purification and -supply point was situated about 2 kilometres west of the village of Valle de Hanha, which was attacked and demolished. In defending the village, three Angolan fighters of the Forças Armadas para a Liberação de Angola (FAPLA) were killed and six wounded. In this act of vandalism, 13 civilians were also killed and 17 wounded.

This is a deliberate terrorist act carried out in full awareness that Cuban personnel were present there, and resembles the ambush and killing of six Cuban soldiers on 14 August 1989 in the vicinity of Cubal.

On that occasion, the Government of Cuba drew attention to the extreme gravity of any repetition of such provocations, and declared that it would act in such a way as to guarantee, in any circumstances, the security of its internationalist combatants in Angola.

In a letter dated 16 August 1989 from Commander-in-Chief Fidel Castro Ruz, President of the Council of State, addressed to the United Nations Secretary-General, it was recalled that this position was set forth quite clearly by Cuba during the negotiations which led to the signing, on 22 December 1988, of the agreements under which it has been possible to move towards a solution of the conflict in south-west Africa. In that letter it was also stated that "we shall not tolerate hostile acts or actions against our troops and reserve the right to respond with all force whenever necessary".

The responsibility for these criminal actions by UNITA against Cuban troops and for the sabotage of the peace agreements which they entail lies ultimately with the Government of the United States, the logistical supporter and political adviser of UNITA, to which it continues to supply arms and munitions, including highly sophisticated means of warfare.

Consequently, the Governments of Angola and Cuba have decided to suspend temporarily the withdrawal of Cuban military personnel until such time as Cuba receives a satisfactory explanation of these incidents and is convinced that the continuing reduction of its forces in Angola will not be misused by terrorist bands, armed and advised by the Government of the United States, in order to carry out attacks against Cuban military personnel and thereby sabotage the agreements so laboriously arrived at between Angola, Cuba and South Africa.

By 24 January 1990, Cuba had withdrawn over half of its forces in Angola, from which 31,179 combatants have returned. By 1 April 1990, 33,000 troops were scheduled to have been withdrawn, which testifies to the seriousness and rigour with which Cuba has been complying with its commitments.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21114
26 January 1990
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 26 JANUARY 1990 FROM THE PERMANENT REPRESENTATIVE OF CHAD TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

By order of my Government, I have the honour to transmit to you herewith the document entitled "Memorandum on the Chad-Libya border dispute".

Consequently, I should be grateful if you would circulate this memorandum as a document of the Security Council and include it in the Chad-Libya dossier, which remains before the Council.

(Signed) Mahamat Ali ADOUM
Ambassador
Permanent Representative

Annex

REPUBLIC OF CHAD
MINISTRY OF FOREIGN AFFAIRS

MEMORANDUM
ON THE CHAD-LIBYA BORDER DISPUTE

JANUARY 1990

MEMORANDUM ON THE CHAD-LIBYA BORDER DISPUTE

Following the twenty-fifth session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU), held at Addis Ababa from 24 to 26 July 1989, the means to achieve the peaceful settlement of the Chad/Libya border dispute seemed clear. Adopted at that session, AHG/Res.184 (XXV), while renewing the mandate of the Ad Hoc Committee as initially composed and requesting it to continue its efforts, clearly sets out the basis and direction for discussions leading to peaceful settlement through:

(a) The total cessation of all forms of hostilities and strengthening of the cease-fire;

(b) The settlement of the territorial dispute by peaceful and political means and the signing of a treaty of non-aggression, fraternity and good-neighbourliness;

(c) The rectification of the consequences of the war, and the re-establishment of bilateral co-operation.

Following upon the re-establishment of diplomatic relations on 3 October 1988 and the resumption of direct talks between the two States, the resolution of the twenty-fifth Assembly plunged international opinion into deep euphoria and indeed caused undisguised optimism regarding a settlement of the dispute in the near future. All the more so because, since the twenty-fourth OAU Assembly, there had been no shortage on the Libyan side of loud declarations and media statements designed to be "reassuring" about Tripoli's intentions. In reality, there is a widening gap between the public statements and the actions of the Libyan side, both in military terms and at the negotiating table.

A review of the various stages of these discussions clearly demonstrates this gap.

General overview

Less than two months after the much-vaunted "gift" of Colonel Qaddafi to the OAU Assembly, followed by AHG/Res.174 (XXIV), calling for a climate of confidence, normalization and the consolidation of the cease-fire between the two sides, His Excellency El-Hadj Omar Bongo, President of the Gabonese Republic, convened for the first time a meeting of the Ministers for Foreign Affairs of Chad and Libya, from 7 to 9 July 1988 at Libreville, which was chaired by the then Minister of State and Minister for Foreign Affairs of Gabon.

At that meeting, the two delegations could not reach agreement on an agenda, the Libyans rejecting even the principle of a preliminary discussion on the core of the problem: the military occupation of a large part of Chadian territory known as the "Aozou Strip". In fact, the objective of the Libyans in attending that meeting was solely to obtain the liberation of their prisoners of war. The Chadians, on the other hand, believe that one must first resolutely tackle the central issue of the border dispute before considering the question of prisoners of war, which is only a by-product of the war.

Thus, the two delegations parted in total disagreement, limiting themselves to issuing a press release in which they reaffirmed "their determination to make all the necessary efforts to settle all the issues in a spirit of fraternity".

In reality, as will be shown by subsequent events, Libya will never change its position.

Tirelessly pursuing his efforts to mediate the conflict, His Excellency President Omar Bongo convened from 14 to 18 June 1989, again at Libreville, a tripartite meeting of which the first part was attended by experts and a ministerial-level gathering followed. The objective of the meeting was to hold discussions on the basis of a draft agenda proposed by the Chairman of the Ad Hoc Committee and accepted by the two parties before their arrival in Libreville, namely:

(1) Consideration of a draft agreement on the settlement of the Chad/Libya border dispute;

(2) Consideration of a draft agreement on co-operation and good-neighbourliness between Chad and Libya;

(3) Other matters.

In contrast to the Chadian side, which had commented on the two draft agreements, the Libyan side, true to its strategy of avoiding at all costs any discussion on the core of the problem, opposed the adoption of the draft agenda submitted by the Chairman of the Ad Hoc Committee. The procès-verbal signed by the Chadian and Libyan experts at the completion of the interminable debates was never to be submitted for approval to the ministers, as had been planned.

For his part, the current Chairman of OAU, His Excellency General Moussa Traoré, Head of State of Mali, had made great efforts, resulting in the historic Bamako meeting, held from 20 to 21 July 1989, between President El-Hadj Hisseine Habré and the Head of the Libyan Revolution, Muammar Qaddafi, in the presence of the Chairman of the Ad Hoc Committee, El-Hadj Omar Bongo, President Chadli Bendjedid of Algeria and President Ibrahim Badamasi Babangida of Nigeria.

Although not leading to concrete results, this Chad-Libya summit meeting nevertheless considerably relaxed the atmosphere between the two countries.

The meeting at Bamako was certainly a significant event - a first - which renewed hopes in the peoples of the two countries for a rapid settlement of their dispute on the basis of mutual confidence. Optimism was at an all-time high in the African and international communities.

In fact, several meetings between representatives of the two sides at the ministerial level led to the drafting and the signing, on 31 August 1989 at Algiers, of a "framework agreement on the peaceful settlement of the territorial dispute between the Republic of Chad and the Great Socialist People's Libyan Arab Jamahiriya".

Basing the framework agreement in particular on OAU resolution AHG/Res.184 (XXV) regarding the Chad/Libya territorial dispute and on the fundamental principles of the United Nations, the parties concerned agreed as follows:

(1) To settle first their territorial dispute by all available political means, including conciliation, within a period of one year.

(2) In the absence of a settlement:

(a) To submit the dispute for adjudication by the International Court of Justice;

(b) To take collateral measures in connection with the judicial settlement, concerning, in particular, the withdrawal, under the supervision of a commission of African observers, of the two countries' forces from the positions occupied by them in the disputed area as at 25 August 1989, and to refrain from establishing any new presence in the area in question;

(c) To carry out that withdrawal to positions to be agreed upon;

(d) To maintain these collateral measures in effect pending a final judgement by the International Court of Justice on the territorial dispute;

(3) To release all prisoners of war;

(4) To respect scrupulously the cease-fire and to cease all forms of hostility between the two parties, in particular:

(a) To desist from all hostile campaigns in the media;

(b) To refrain from any interference, whether direct or indirect, under any pretext and in any circumstance, in the internal or external affairs of the other country;

(c) To withhold all political, material, financial and military support from forces hostile to either country;

(5) To proceed to the signing of a treaty of friendship, good-neighbourliness and economic and financial co-operation between the two countries;

(6) To set up a Joint Commission to work out the arrangements for the implementation of the Agreement and to see to it that all necessary measures are taken for that purpose.

At the bilateral level

Immediate steps were taken to put this agreement into effect. The Joint Commission provided for in article 5 was established at the first meeting of Chadian and Libyan delegates, held at Tripoli from 16 to 21 September 1989.

At the first session of the Joint Commission, the Chadian side submitted to the Libyan side concrete proposals on the following points:

- Discussion of a draft protocol to give effect to the framework agreement;

- Consideration of a draft treaty of friendship, good-neighbourliness and non-aggression;

- Consideration of a draft special agreement on a settlement by adjudication of the territorial dispute between the two countries.

Once again, the Libyan side rejected these proposals by completely avoiding the question of the territorial dispute, which is the main focus of the framework agreement, and dealing instead with the question of prisoners of war, which is merely the result of the conflict between the two countries.

Indeed, the Libyan side continued to hold the same position as before.

It was in a rather uneasy atmosphere that the second session of the Chad/Libya Joint Commission was held at N'Djamena from 25 to 28 November 1989. Several weeks earlier, during the second half of the month of October, the Chadian national armed forces (FANT) had wiped out a massive and violent assault from across the border with the Sudan.

Faithful to the spirit and the letter of the framework agreement, Chad deplored this new act of aggression from the east, all the while demonstrating that it was fully prepared to continue the discussions.

It was in that context that Chad once again submitted to the Libyan side proposals on the protocol to give effect to the framework agreement. It was at that point that a consensus seemed to emerge on the following basic principles:

- The immediate withdrawal of forces from the disputed zone known as the "Aozou Strip" and the posting of African observers;

- The establishment of a subcommission of legal and cartographic experts to begin the process of delimiting the boundary between Chad and Libya;

- The adoption of a special agreement to submit the case to the International Court of Justice (valid only if a political solution is not reached);

- The release of prisoners of war;

- The signing of a treaty of friendship, good-neighbourliness, non-aggression and co-operation.

For each of those principles, certain details remained to be considered at the third session of the Joint Commission at Tripoli in order to finalize the protocol to give effect to the agreement. There was cause for optimism and hope, fuelled largely by the enthusiastic comments which the Libyan delegation made to the local press.

New reversal. At the third session, held at Tripoli from 19 to 22 December 1989, the Libyan side, showing little concern about its commitments and its solemn word, abruptly called everything into question, even the consensus reached at N'Djamena, and, from the outset of the proceedings, set a condition: a detailed list of the prisoners and the arrangements for their release before any continuation of the talks.

Despite the tireless efforts of the Chadian side to induce them to continue the talks on the basis of the progress achieved during the previous session at N'Djamena, the Libyans, suiting the action to the word, ended the meeting by submitting to the Chadian representatives new proposals which had virtually no bearing on the principal objective of the framework agreement: the peaceful settlement of the territorial dispute. In those proposals, the Libyan side makes the continuation of the talks on the territorial dispute contingent on the release, pure and simple, of prisoners of war within time-limits and according to arrangements which it deems appropriate. Forty-eight hours later, in Paris, Mr. Azuz Talhi made an "admission" on Radio-France Internationale: "Chad is blocking the dialogue on the implementation of the framework agreement"!

It should be pointed out that, up to now, Libya has made no effort to notify the Organization of African Unity (OAU) and the United Nations of that agreement, as stipulated in article 7 of the agreement.

Hostile acts. While the negotiations were taking place, with their ups and downs, at both the bilateral and the African level, Libya, as we have seen, did not for one moment cease its provocations of all kinds against Chad, going as far as open aggression described in the media, such as its aggression from Darfour in October 1989.

In that region of the Sudan, which since 1986 has become a veritable province of Libya (with the sole but by no means negligible, difference that the region was subsequently given over to armed violence and pillage), Libya is constantly reconstituting the forces of the Islamic Legion, recently renamed the "Green Force". Special headquarters have been set up for that purpose. In Libyan territory, raids are organized against Africans under the guise of a war against crime. Those taken into custody go directly to the military camps for enrolment; Chadians, in particular, have always been singled out. This was the case, for example, at Sirte, Ajdabiya, Benghazi. Even more serious, since the official opening of Embassies at N'Djamena and Tripoli on 3 October 1988, Libya has continued to maintain the "Bureau of Chadian Affairs", which is a veritable

embassy, enjoying all facilities and issuing "passports", "laissez-passer" and "consular cards"; in short, it has "respectability". One day, when an official Chadian delegation expressed its wish to visit the Embassy of Chad at Tripoli, it was taken to the "Bureau of Chadian Affairs"! The escort was simply unaware of the existence of the Chadian Embassy.

It is from this "Bureau" that all actions directed at Chad or Chadian nationals living in Libya are organized, with the close assistance of a number of senior Libyan officers.

Shortly before the convening of the third session of the Joint Commission at Tripoli from 19 to 22 December 1989, the People's Bureau for Foreign Liaison sent the accredited diplomatic representations in the Libyan capital a note in which it condemned Chad and its Government and declared that "in the current state of affairs, the Jamahiriya cannot be committed to continuing its implementation [i.e., the implementation of the framework agreement of Algiers], and the Chadian side will have to accept any consequences, and it [the Jamahiriya] reserves for itself the right to take such steps as it deems appropriate ...".

The circulation of that note before the convening of the meeting is proof, if additional proof is required, of the total lack of political will on the part of the Libyan side to go forward in the negotiations.

Another proof is the categorical rejection and total disregard for the decision of the Chadian Government to release a large number of prisoners of war as a sign of goodwill and as a gift on the occasion of the twentieth anniversary of the Al-Fatih Revolution, on 1 September 1989, the day after the signing of the framework agreement on the settlement of the territorial dispute between the two States. Where the media are concerned, Libyan officials are tireless. Insults, including personal insults, and threats regularly and continually alternate with protestations of good faith and all sorts of tricks and manipulations, often with the suspect complacency of certain "international" media.

The situation is worrying. The negotiations are not progressing. The cease-fire is periodically violated by acts of aggression from the Sudanese territory of Darfour. The Libyan side has shown not only a lack of political will in the search for peace but has also clearly demonstrated its desire for revenge.

May concerted international action help promote the cause of peace and, in so doing, prevent the degeneration of a conflict which has already caused enough damage to the two countries. Chad is prepared to contribute all its goodwill to such a peace initiative.

Appendix I

AHG/Res.184 (XXV)

RESOLUTION ON THE CHAD-LIBYA TERRITORIAL DISPUTE*

The Assembly of Heads of State and Government of the Organization of African Unity, meeting at its twenty-fifth ordinary session at Addis Ababa, Ethiopia, from 24 to 26 July 1989,

Having heard the report of the Chairman of the Ad Hoc Committee of the Organization of African Unity on the Chad-Libya territorial dispute,

Bearing in mind the basic principles of the Charter of the Organization of African Unity,

Recalling the relevant resolutions of the Organization of African Unity relating to disputes among African States, in particular resolution AHG/16 (I) on the inviolability of borders inherited from the colonial period,

Recalling further the resolutions, decisions and recommendations of the Organization of African Unity relating to the Chad-Libya territorial dispute,

Bearing in mind decision AHG/Dec.108 (XIV) on the establishment of the Ad Hoc Committee for the mediation of the Chad-Libya territorial dispute,

Also bearing in mind resolution AHG/158 (XXII) reactivating the aforementioned Committee,

Bearing in mind resolution AHG/Res.174 (XXIV) on the Chad-Libya territorial dispute,

Noting the praiseworthy efforts exerted by Their Excellencies Presidents Moussa Traoré and El-Hadj Omar Bongo in the search for a just and definitive settlement of the Chad-Libya territorial dispute,

Welcoming the implementation of resolution 174 (XXIV), in particular the re-establishment of diplomatic relations between Chad and Libya,

Welcoming further the historic meeting at Bamako on 20 and 21 July of the Libyan and Chadian Heads of State, arranged by President Moussa Traoré and conducted with Presidents El-Hadj Omar Bongo, Chadli Bendjedid and Ibrahim Babangida present,

---

* Translated by the United Nations Secretariat.

Noting further the goodwill manifested by the two parties, Chad and Libya, with a view to promoting the settlement of the dispute between them,

1. Adopts the report of the Chairman of the Ad Hoc Committee of the Organization of African Unity on the Chad-Libya territorial dispute;

2. Commends Presidents Moussa Traoré and El-Hadj Omar Bongo, in their capacities as current Chairman of the Organization of African Unity and as Chairman of the Ad Hoc Committee of the Organization of African Unity on the Chad-Libya territorial dispute, for their particularly outstanding efforts in the process for the settlement of the Chad-Libya territorial dispute;

3. Commends further all States members of the Ad Hoc Committee of the Organization of African Unity on the Chad-Libya territorial dispute for the excellent quality of the work accomplished;

4. Peiterates its complete confidence in His Excellency El-Hadj Omar Bongo, Chairman of the Ad Hoc Committee;

5. Renews the mandate of the Committee with its original membership, and requests it to continue its efforts with a view to reaching a political settlement of the Chad-Libya territorial dispute, within the framework of the Organization of African Unity, through, in particular:

(a) The total cessation of all forms of hostilities and the strengthening of the cease-fire;

(b) The settlement of the territorial dispute by peaceful and political means and the signing of a treaty of non-aggression, fraternity and good-neighbourliness;

(c) The rectification of the consequences of the war, and the re-establishment of bilateral co-operation;

6. Welcomes the intention of Chad and Libya to seek a political solution, within the framework of the Organization of African Unity, to the dispute which has brought them into conflict, and invites them to continue to co-operate closely with the Ad Hoc Committee;

7. Calls upon the Chairman of the Ad Hoc Committee to report to the Assembly of Heads of State and Government at its twenty-sixth ordinary session.

Appendix II

FRAMEWORK AGREEMENT ON THE PEACEFUL SETTLEMENT OF THE TERRITORIAL DISPUTE BETWEEN THE REPUBLIC OF CHAD

AND

THE GREAT SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA

The Republic of Chad, on the one hand, and the Socialist People's Libyan Arab Jamahiriya, on the other hand,

On the basis, first, of the resolutions of the Organization of African Unity (OAU), especially resolution AHG/Res.6 (XXV) concerning the territorial dispute between Chad and Libya, and, secondly, on the basis of the fundamental principles of the United Nations, namely:

The settlement of international disputes by peaceful means;

The sovereign equality of all States;

The non-use of force or the threat of force in relations between States;

Respect for the national sovereignty and territorial integrity of every State;

Non-interference in the internal affairs of other States;

Determined to settle their territorial dispute by peaceful means,

Have decided to conclude the following agreement.

Article 1

The two parties undertake first to settle their territorial dispute by all available political means, including conciliation, within a period of one year, unless otherwise decided by the Heads of State, said period being specified as a frame of reference.

Article 2

Failing the achievement of a political settlement to their territorial dispute, the two parties undertake:

(a) To submit the dispute for adjudication by the International Court of Justice;

(b) To take collateral measures in connection with the judicial settlement, concerning, in particular, the withdrawal, under the supervision of a commission of African observers, of the two countries' forces from the positions occupied by them in the disputed areas as at 25 August 1989, and to refrain from establishing any new presence in the area in question;

(c) To carry out that withdrawal to positions to be agreed upon;

(d) To maintain these collateral measures in effect pending a final judgement by the International Court of Justice on the territorial dispute.

Article 3

All prisoners of war shall be released.

Article 4

The Republic of Chad and the Socialist People's Libyan Arab Jamahiriya reaffirm their decisions with regard to the cease-fire established between them; they further undertake to desist from any form of hostility and in particular:

(a) To desist from all hostile campaigns in the media;

(b) To refrain from any interference, whether direct or indirect, under any pretext and in any circumstance, in the internal or external affairs of the other country;

(c) To withhold all political, material, financial and military support from forces hostile to either country;

(d) To proceed to the signing of a treaty of friendship, good-neighbourliness and economic and financial co-operation between the two countries.

Article 5

The two parties hereby decide to set up a Joint Commission to work out the arrangements for the implementation of this Agreement and to see to it that all necessary measures are taken for that purpose.

Article 6

The Ad Hoc Committee of the Organization of African Unity (OAU) on the dispute between Chad and Libya shall be entrusted with the task of monitoring the implementation of the provisions of this Agreement.

Article 7

The Republic of Chad and the Socialist People's Libyan Arab Jamahiriya undertake to notify the United Nations and the Organization of African Unity (OAU) of this Agreement.

Article 8

This Agreement shall enter into force on the date of its signature.

Done at Algiers, on 31 August 1989

For the Republic of Chad

Acheikh IBN OUMAR
Minister for Foreign Affairs

For the Socialist People's Libyan Arab Jamahiriya

Jadallah Azouz ETTALHI
Secretary for Foreign Liaison and International Co-operation

This Agreement was signed in the presence of His Excellency Mr. Boualem BESSAIH, Minister for Foreign Affairs of the People's Democratic Republic of Algeria.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21115
29 January 1990

ORIGINAL: ENGLISH

LETTER DATED 24 JANUARY 1990 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF INDONESIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to request kindly that you circulate as a document of the Security Council the text of a statement by the Minister for Foreign Affairs of the Republic of Indonesia, His Excellency Mr. Ali Alatas, on 18 January 1990 regarding the outcome of the meeting of the permanent members of the Security Council held in Paris on 15 and 16 January 1990, which is annexed to this letter.

(Signed) Nugroho WISNUMURTI
Ambassador
Chargé d'affaires a.i.

Annex

Text of a statement by the Minister or Foreign Affairs of the Republic of Indonesia, His Excellency Mr. Ali Alatas, on 18 January 1990 on the outcome of the meeting of the permanent members of the Security Council on Cambodia, held in Paris on 15 and 16 January 1990

I am pleased that the joint communiqué issued by the meeting of the permanent members of the Security Council on Cambodia held in Paris on 15 and 16 January 1990 expresses general support for the central idea proposed by Australia that the United Nations should be given a greater role in the solution to the question of Cambodia.

Although the communiqué does not adequately address the detailed aspects of the proposal, this support is reflected, among other things, in references to free and fair elections under direct United Nations administration and the setting up of a Supreme National Council as a repository of Cambodian sovereignty during the transition period.

The communiqué explicitly supports regional efforts to achieve a comprehensive political settlement.

The unequivocal position of the permanent members of the Security Council will therefore constitute an impetus for and a positive contribution to the process of negotiations towards the reaching of a comprehensive, fair and durable solution to the Cambodian question, such as the renewed efforts by Indonesia and France as co-chairmen of the International Conference on Cambodia through the informal meeting to be held at Jakarta.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21116
29 January 1990

ORIGINAL: ENGLISH

LETTER DATED 29 JANUARY 1990 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to draw your attention to the humanitarian cost of the situation of no war-no peace resulting from Iraq's non-compliance with Security Council resolution 598 (1987) and your Excellency's implementation plans therefor.

The anguish and sorrow inflicted upon the peoples of the Islamic Republic of Iran and Iraq is now being prolonged by the refusal of Iraq to implement the resolution when prisoners-of-war (POWs) could return to their families and refugees to their homes. Under the circumstances, in addition to POWs, more than 16,117 families comprising 84,751 innocent civilians, including women and children, whose homes, towns and villages are at present under the physical and active occupation of Iraqi forces are refugees in their own country. While the POWs had taken direct part in the fighting, the refugees had nothing to do with the war and at present are the innocent victims of Iraq's occupation of their homes.

In addition to the 84,751 war refugees whose homes are under Iraqi occupation and/or control, there are another 1,431,066 displaced civilians who have not been able to return to their homes because of the proximity of Iraqi front-line forces to their municipalities. Of course, this letter is not intended to address the problems of the latter group of civilians.

The intransigent policy and the procrastinating approach employed by the Iraqi officials are indeed robbing the POWs of their freedom and liberty and the refugees of their dignity, integrity and the right to return to their homes and lands. The régime in Baghdad is thus responsible for the continued captivity of the POWs as well as the homelessness of tens of thousands of Iranian civilians, which is by no means a less humanitarian issue than the former. The sufferings of the POWs and refugees can easily be reversed. It requires only a political decision on the part of the Iraqi authorities to respect resolution 598 (1987) and to implement it in accordance with your Excellency's plans, which will bring a durable and just settlement between the two countries.

In order to shed light on the effects of Iraq's unwillingness to implement the resolution, which is tantamount to perpetuation of human suffering for hundreds of thousands of people, the information in the attached charts pertaining to the villages and townships under the active occupation of Iraq and their population is herewith released for the information of the international community. A map indicating the areas under occupation is also attached.

It would be highly appreciated if this letter and its annexes were circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative

Annex I

Areas under active occupation of Iraqi forces in Bakhtaran Province, 756 square kilometres

Township/village	Population	Number of families
Ghaleh Sabzi Sofla	279	46
Ghare-Sadaf	67	14
Valadkoshteh	350	58
Tangab	282	59
Dehsalim	56	13
Chefteh-Olia-Sofla	834	143
Koozehrood	251	57
Tileh Kooh Miani	620	108
Tootkhoushkeh	272	53
Baveisi Sardarkaram	430	75
Tapehrash	150	31
Naftshahr	4 474	899
Khosrqvi-Mantagheh-Gomroki	2 076	404
Bishgan	490	98
Tang Homam	240	52
Babahadi	273	54
Darkhoor	183	40
Baradaraziz	213	42
Ghaleh Sefid	471	72
Ahmadabad	445	90
Hedayat	641	120
Hosseinabad	41	6
Karimabad	1 103	176
Gomrok Kohneh	50	10
Dehabbas	61	13
Haran	518	65
Hajighader	249	51
Darbandzard Olia	245	36
Sar Ghaleh	-	-
Tappeh Kanaan	288	48
Gooshi Nader	180	38
Kashki	-	-
Darpelleh	69	15
Rooyeleh Bala	41	7
Rooyeleh Paiin	153	31
Borj Ahmadi	270	54
Tazehabad Sofla Olya	6 281	1 185
Ozgoleh	663	162
Ghalehjern	160	31
Khor Naserkhan	320	83
Nasrabad Jaddeh Khosravi	81	14
Tappeh Ghabrestan	498	101

/...

Township/village	Population	Number of families
Tayeshe Mahmood	340	70
Ghabtool Zepab	314	66
Shoshei	525	109
Hanigazmaleh	2 103	438
Bakhsheh-e-Nodooshe	5 366	1 031
Leedarvar	602	153
Niantang Sumar	350	70
Shahsavar	260	51
Sizdah	150	42
Vicinity of Ghasr-e-Shirin (under full control)	15 000	2 425
Total	49 378	9 109

Annex II

Areas under active occupation of Iraqi forces in Ilam Province, 1,294 square kilometres

Township/village	Population	Number of families
Moosian	8 249	1 586
Firoozabad	262	55
Jasemabad	89	38
Bahram Abad	426	80
Shahr-e-Anbar	488	88
Fakkeh	246	49
Cham Hendi	326	62
Bayat	216	30
Cherry	113	19
Vavi	96	23
Roboot	99	25
Pich Angizeh	25	7
Someideh	86	24
Rhalilat	63	16
Ein Rabi	87	14
Yabis	938	195
Amirabad	-	-
Sarni	165	24
Changooleh	570	109
Seyed Hassan	449	76
Farrokh-Abad	-	-
Rostam-Abad	-	-
Behroozan	1 161	203
Shoorshirin	-	-
Ashraf-Abad	347	64
Chilat	-	-
Potk	1 065	191
Mehran (under full control)	18 877	3 875
Total	34 443	6 853

Annex III

Areas under active occupation of Iraqi forces in Khuzestan Province, 542 square kilometres

Township/village	Population	Number of families
Sagheleh	149	26
Safarieh	266	46
Beyte-e-Rashed	223	33
Shahrak Valiasr	292	50
Total	930	155

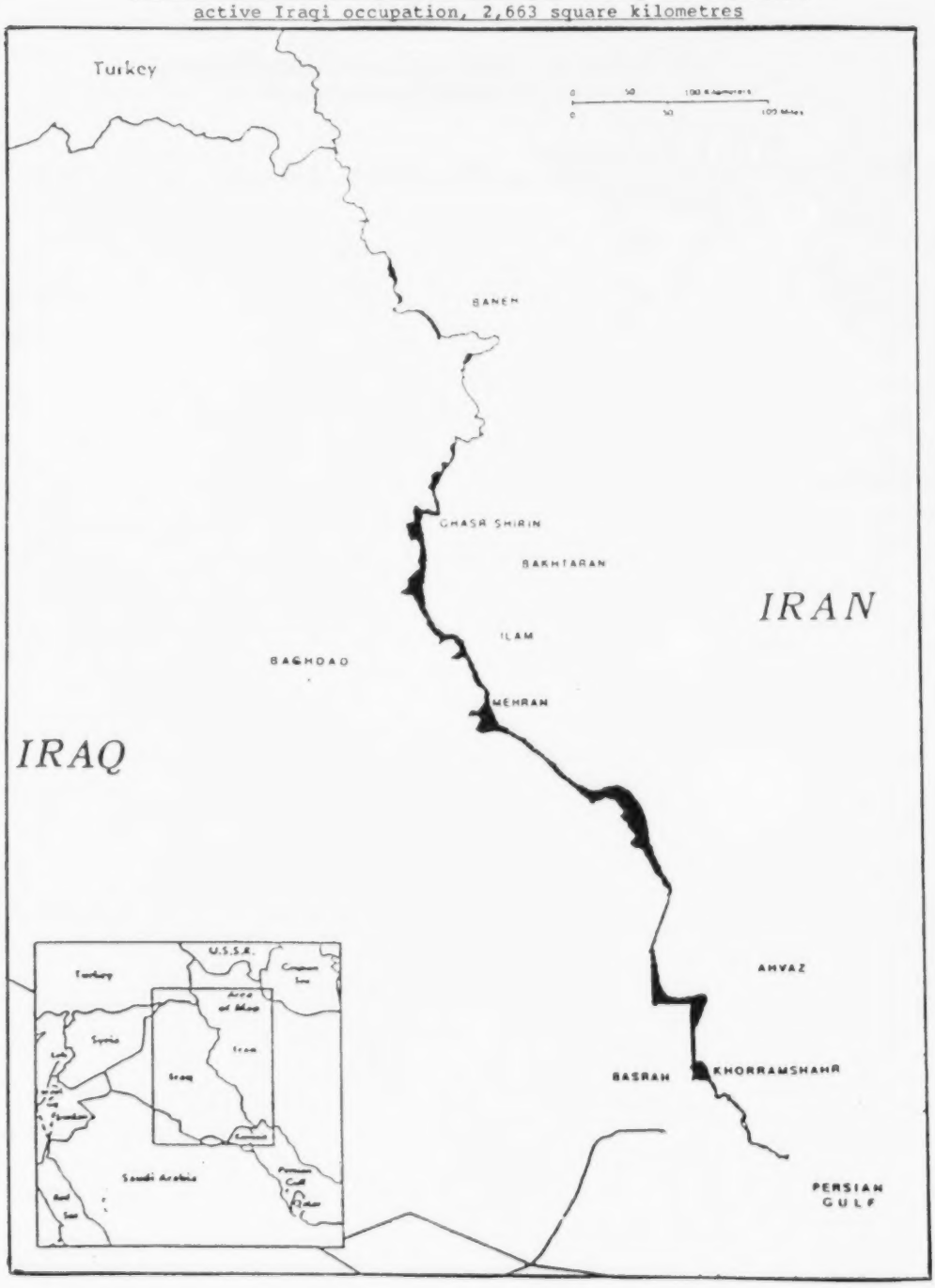
Annex IV

Areas under active Iraqi occupation in the Islamic Republic of Iran

Province	Population	No. of families	Areas under occupation (km^2)
Bakhtaran	49 378	9 109	756
Ilam	34 443	6 853	1 294
Khuzestan	930	155	542
Kordestan	00	00	63 Heights without villages
West Azarbaijan	00	00	8 Heights without villages
Total	84 751	16 117	2 663

Annex V

Darkened areas indicate Iranian territories presently under active Iraqi occupation, 2,663 square kilometres



UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21117
31 January 1990

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling its resolutions 425 (1978), 426 (1978), 501 (1982), 508 (1982), 509 (1982) and 520 (1982), as well as all its resolutions on the situation in Lebanon,

Having studied the report of the Secretary-General on the United Nations Interim Force in Lebanon of 25 January 1990, 1/ and taking note of the observations expressed therein,

Taking note of the letter dated 11 January 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General, 2/

Responding to the request of the Government of Lebanon,

1. Decides to extend the present mandate of the United Nations Interim Force in Lebanon for a further interim period of six months, that is, until 31 July 1990;

2. Reiterates its strong support for the territorial integrity, sovereignty and independence of Lebanon within its internationally recognized boundaries;

3. Re-emphasizes the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978, 3/ approved by resolution 426 (1978), and calls upon all parties concerned to co-operate fully with the Force for the full implementation of its mandate;

1/ S/21102.

2/ S/21074.

3/ Official Records of the Security Council, Thirty-third Year, Supplement for January, February and March 1978, document S/12611.

4. Reiterates that the Force should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all other relevant resolutions;

5. Requests the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with the implementation of the present resolution and to report to the Security Council thereon.

UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/45/93
S/21118
1 February 1990
ENGLISH
ORIGINAL: RUSSIAN

GENERAL ASSEMBLY
Forty-fifth session
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF
THE PALESTINIAN PEOPLE AND
OTHER ARABS OF THE OCCUPIED
TERRITORIES

SECURITY COUNCIL
Forty-fifth year

Letter dated 31 January 1990 from the Chargé d'affaires a.i. of the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General

I have the honour to submit the text of a submission dated 29 January 1990 by the First Deputy Minister for Foreign Affairs of the USSR, Y. M. Vorontsov, to Mr. A. Levin, the head of the Israeli Consular Group in Moscow.

I should be grateful if you would have the text circulated as an official document of the General Assembly, under the items entitled "The situation in the Middle East", "Question of Palestine" and "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories", and of the Security Council.

(Signed) V. LOZINSKIY
Acting Permanent Representative of
the USSR to the United Nations

ANNEX

On 29 January the First Deputy Minister for Foreign Affairs of the USSR, Yuli Vorontsov, made the following submission to the head of the Israeli Consular Group in Moscow, Mr. A. Levin.

Recent developments in the Middle East have, not without reason, been interpreted around the world as offering some hope that there may at last be real movement towards a settlement of the long-drawn-out conflict in the region. That this is now in prospect is thanks primarily to the constructive stance taken by the Palestine Liberation Organization and the Arab States, which have convincingly demonstrated their desire to put an end to the years of confrontation and arrive at agreements which will guarantee a peaceful and safe future for all parties to the conflict, including Israel.

The position taken by some Israeli leaders is in glaring contrast. There is a growing impression that new obstacles to the peace process are deliberately being created. How else can one interpret statements by a number of Israeli politicians, including the head of Government himself, on the need to retain the Arab lands seized by Israel for settlement by newly-arriving immigrants, including people coming from the USSR?

The Israeli leadership is thus reaffirming its policy of annexing the occupied Arab territories and declining to seek compromise on the Middle Eastern conflict. This "fait accompli" policy is a transparent screen for expansionist plans to create a Greater Israel at the expense, first and foremost, of the rights of the Palestinian people. No less obvious is the aim of opening another front to crush the Palestine intifadah by bringing the interests of the Palestinian population and the settlers into conflict.

Nor can it escape attention that, in seeking to secure its occupation of the lands it has seized, Israel is throwing down the gauntlet to the United Nations, which has repeatedly called on it to prevent any action altering the situation in the occupied territories, including the demographic situation. It is also openly underscoring its contempt for international law, notably the fourth Geneva Convention of 1949, which prohibits the settlement of non-native inhabitants in occupied lands. That Convention has been signed by Israel.

The Soviet Union cannot conceal its alarm at these moves by the Israeli Government, which may seriously harm the cause of peace in the Middle East, disrupt the settlement process and imperil the security of all nations in the region, including Israel itself.

Another aspect of the question is also of some concern to us. Soviet legislation is being brought into line with international standards, including the right to enter and leave the country. We cannot but be concerned, however, lest some fraction of those persons of Jewish nationality leaving the USSR become, under the influence of dishonest propaganda, the agents of illegal schemes condemned by

international public opinion. We are firmly against the use, at risk to their safety, of persons leaving the USSR to force Palestinians off land that belongs to them. The Israeli leadership must realize the dangerous consequences of such action on its part.

Mr. Levin stated that he would immediately transmit this communication to the Israeli Government.

UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/45/95
S/21119
1 February 1990
ENGLISH
ORIGINAL: ENGLISH/FRENCH

GENERAL ASSEMBLY
Forty-fifth session
THE SITUATION IN KAMPUCHEA

SECURITY COUNCIL
Forty-fifth year

Letter dated 1 February 1990 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith for your information a document entitled "The Solution of the Problem of Cambodia", prepared on 29 January 1990 by H.R.H. Samdech Norodom Sihanouk.

I should be very grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under the item entitled "The situation in Kampuchea", and of the Security Council.

(Signed) THIOUNN Prasith
Permanent Representative

ANNEX

THE SOLUTION OF THE PROBLEM OF CAMBODIA

by H.R.H. Samdech NORODOM SIHANOUK

I/- We, Cambodians, cannot say that the foreign powers from all sides do not take interest in the so-called problem of Cambodia. It is quite the contrary which happens. So much the better, for it is absolutely necessary to put an end, as soon as possible, to the unspeakable sufferings and humiliations of our beloved and respected (Khmer) people.

II/- I wholeheartedly thank the States and governments which have made and continue to make efforts to replace the war in Cambodia by peace and to put an end, once for all, to the unspeakable sufferings and humiliations of the Cambodian people.

III/- The whole world is surprised to see that in spite of countless international and even inter-Cambodian conferences and meetings, of debates and votes at the United Nations and of the noble efforts made by H.E. Javier Perez de Cuellar, Secretary-General of the United Nations, and his collaborators in charge of the Cambodian question, the so-called problem of Cambodia, after 11 years, remains without a solution "applicable in the field".

It is clear that the so-called problem of Cambodia cannot be solved, and consequently, peace cannot be restored in Cambodia, if we do not grapple with the roots of the evil and we do not succeed in "cutting" and destroying all these "roots of the evil" which are:

a) The refusal by the Socialist Republic of Vietnam (SRV) and the Phnom Penh puppet regime to allow the United Nations to send to Cambodia a UN Control Mechanism (UN-CM), and a UN Peace Keeping Force (UN-PKF) and their refusal of the verification by the UN of the so-called total withdrawal of Vietnamese troops from Cambodia;

b) The refusal by the SRV and the Phnom Penh puppet regime to let the United Nations dismantle simultaneously the legal CGDK (Democratic Kampuchea) and the illegal pro-Vietnamese colonialism "State of Cambodia" and their replacement either by a Cambodian provisional quadripartite government or by a UN Administering Authority;

c) The refusal by the SRV and the Phnom Penh puppet regime to respect the sovereignty of the Cambodian people (who is the sole owner of Cambodia) and to allow that people to exercise freely its (sacred and inalienable) right to self-determination and to have truly free general elections, that is outside the framework of Democratic Kampuchea (DK) and that of Hun Sen's "State of Cambodia";

d) The colonization of and the illegal settlement in Cambodia by more than one million of Vietnamese settlers; the exploitation and pillage of the natural resources and art treasures of Cambodia by the Vietnamese colonialists;

e) The neutralisation of Cambodia involving, among other things, the total disarmament of the armies of the 4 Cambodian factions and their replacement by a United Nations Peace Keeping Force.

*
* *

Any plan aimed at solving the so-called problem of Cambodia (a Khmero-Vietnamese problem and not an inter-Cambodian one), which would not take into account the necessity to "cut" and destroy the above-mentioned 5 roots of the evil, would remain inapplicable "in the field" of Cambodia and, therefore, would not bring peace to Cambodia. Then, it would remain only the military means and not the political-diplomatic that is the peaceful one, to settle that tragic "Cambodian" question when every one, first of all the Cambodian people, calls for a peaceful solution to that tragic problem.

*
* *

IV/- I (Norodom Sihanouk) am fully aware that many foreign powers, now participating in the "Cambodian peace process", reject my 5-point Plan, particularly the one concerning the formation of a Cambodian provisional quadripartite government because, these foreign powers say, "the Khmer Rouge are unacceptable".

As my 5-point Plan (which is for me, if adopted and implemented, the only one likely to solve the so-called problem of Cambodia) is rejected by the above-mentioned influential powers, it remains practically "for consideration", only the Australian plan, which proposes to put Cambodia under a (provisional) United Nations administration.

In that respect, I declare once again that I warmly support the Australian plan and I sincerely thank Australia whose government has tremendously worked for the elaboration of that very important plan.

For already several years, I have never stopped dreaming about a UN trusteeship for Cambodia, destroyed and turned upside down by an endless war. But, today, I have been said that the UN trusteeship is not conceivable for Cambodia, and we should rather talk about a "UN Administering Authority".

My answer is: "O.K.!" Let us stop talking about "trusteeship", and let us talk about "Administering Authority".

For me, the maintenance, even at a "lower" level, of the Hun Sen pro-Viets communist administration in parallel with the setting up and functioning of the UN Administering Authority in Cambodia constitutes an "inconsistency", for we have the choice of two things: either it is the United Nations which administers Cambodia or it is still Hun Sen and his Communist Party who do so behind the "folding-screen" or under the label of the United Nations.

*
* *

V/- "One"talks about the prohibitive cost of a United Nations operation within the framework of a "Cambodian peace process" and a United Nations Administration in Cambodia if the CNR (of which, by the way, I am no longer the Leader) and the CGDK (of which, by the way, I stop being the President) do not accept the United Nations using a part of the present Hun Sen administration. I have replied to that "one" as follows:

Firstly- as all countries in the world (the wealthy, medium wealthy and even the poors) always talk about helping to the maximum the Cambodian people to get out of the "hell" and regain as soon as possible, peace and dignity, the United Nations will not have any difficulty in finding the required money for the setting up of its administration, its Control Mechanism and its Peace Keeping Force in Cambodia, and

Secondly- the ASEAN which attaches the greatest importance to the solution of the Cambodian problem, which is wealthy and flourishing and has a great number of very qualified, very competent, and ... paid civil servants, techinicians and subaltern employees, will not spare (I dare to believe it) to place one part at the disposal of the United Nations to administer (until the day after the general elections in Cambodia) the Khmer country, by replacing the civil servants, technicians and subaltern employees of Hun Sen.

Alas! my arguments have not impressed my interlocutors who I call "one".

*
* *

I conclude my present "Cambodian Study" by wishing the 5 countries, permanent members of the United Nations Security Council, H.E. Mr. Javier Perez de Cuellar, Secretary-General of the United Nations, the 6 States of the ASEAN, Australia, and also the 4 Cambodian factions respectively represented by H.R.H. Prince Norodom Ranariddh (FUNCINPEC-ANS), H.E. Mr. Son Sann (KPNLF), H.E. Mr. Khieu Samphan (DKP) and H.E. Mr. Hun Sen (Kampuchean People Revolutionary Party), a genuine success in what

they are going to undertake in February 1990 and in the months to come, in order to solve for the best, the so-called problem of Kampuchea and to bring Cambodia and her people back to peace within a 100 per cent Independence and a neutrality like that of Switzerland or Austria.

Beijing, 29 January 1990

(Signed): Norodom Sihanouk

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21120*
3 February 1990
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 2 FEBRUARY 1990 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government and as the Permanent Representative of Cuba to the United Nations, I have the honour to request you to convene the Security Council in order to consider the harassment of and armed attack on a Cuban merchant ship in the Gulf of Mexico by a vessel of the Coast Guard of the Government of the United States of America.

That the Government of the United States of America should, as a policy, arrogate to itself the right to interfere with free navigation in international waters and to harass, to attempt to board and to attack with weapons peaceful merchant ships, with the intention of sinking them, constitutes not only a flagrant violation of the norms of international law and of the rules governing peaceful coexistence between States but also an act of piracy endangering international peace and security.

(Signed) Ricardo ALARCON de QUESADA
Ambassador
Permanent Representative

---

* Reissued for technical reasons.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21121
3 February 1990
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 3 FEBRUARY 1990 FROM THE PERMANENT REPRESENTATIVE OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith a copy of the notes sent by the Ministry of Foreign Affairs of Cuba to the Interests Section of the United States of America in the Embassy of Switzerland in Havana concerning the attack launched by the United States Coast Guard Service on the merchant vessel Herman, leased by a Cuban firm and with a 12-member Cuban crew on board, on 31 January while the vessel was en route between the ports of Moa, in Cuba, and Tampico, in Mexico.

I should be grateful if you would have these notes distributed as a document of the Security Council.

(Signed) Ricardo ALARCON de QUESADA
Ambassador
Permanent Representative

ANNEX I

Note dated 1 February 1990 from the Ministry of Foreign Affairs of Cuba addressed to the Interests Section of the United States of America in the Embassy of Switzerland in Havana

The Ministry of Foreign Affairs of Cuba presents its compliments to the Interests Section of the United States of America in the Embassy of Switzerland and has the honour to refer to the note transmitted to the Cuban Interests Section in Washington on 31 January by the Department of State, in which the State Department attempts to justify the arrogant attack launched on the merchant vessel Herman by a military vessel of the United States Coast Guard Service.

In its note to the United States Government, the Government of Cuba gave its side of the story. Now, the United States Government is attempting to give a dishonest explanation and, while acknowledging that the Herman was sailing from Cuba to Mexico, is trying to justify the attack on grounds of the United States alleged intention of enforcing United States laws.

The State Department's attempt to extend the applicability of United States laws to other sovereign, independent countries defies belief and shows the heights of arrogance reached by United States policy.

The United States Government was perfectly aware, because it had been told as much by the Cuban authorities, that the vessel in question had a Cuban crew and had been leased from the owners by a Cuban firm. It is a complete insult to describe the attack as an anti-smuggling operation.

The note from the State Department is also distorting established facts when it claims that the attack on the Herman was intended only to disable the vessel, since the attacking force declared openly that it had orders to sink the merchant vessel.

The State Department is misrepresenting the facts when it claims that the Revolutionary Government of Cuba has allegedly refused to co-operate in efforts to combat illicit narcotics trafficking. As international public opinion is fully aware, the Revolutionary Government of Cuba has demonstrated that it is not only taking serious, effective and vigorous action to combat narcotics trafficking but has also maintained a co-operative attitude in this area. The unequivocal position of the Revolutionary Government of Cuba contrasts with the perverse way in which the State Department and the Coast Guard Service behaved throughout the incident in ignoring the information and warnings given repeatedly by the representatives of the Ministry of Foreign Affairs of Cuba.

For all the above reasons, the Ministry of Foreign Affairs totally rejects the content of the note transmitted by the State Department on 31 January, particularly the attempt to accuse the Revolutionary Government of Cuba of jeopardizing the lives and safety of its citizens and the mendacious claim that the Revolutionary

Government of Cuba is indifferent to illegal drug trafficking interdiction efforts. On the contrary, it was the United States Government that blatantly jeopardized the innocent lives of brave Cuban workers.

Lastly, the Ministry of Foreign Affairs reiterates its demand that the United States authorities desist from all such acts of provocation and accept responsibility for the damage caused to the Herman and for the risks to which the crew of the vessel were exposed.

The Ministry of Foreign Affairs takes this opportunity to convey to the Interests Section of the United States of America in the Embassy of Switzerland renewed assurances of its consideration.

ANNEX II

Note dated 31 January 1990 from the Ministry of Foreign Affairs of Cuba addressed to the Interests Section of the United States of America in the Embassy of Switzerland in Havana

The Ministry of Foreign Affairs of the Republic of Cuba presents its compliments to the Interests Section of the United States of America in the Embassy of Switzerland and lodges a vigorous protest at the illegal actions of the United States Coast Guard Service, one of whose vessels fired at and attempted to sink the merchant vessel Herman, with a 12-member Cuban crew on board, while it was sailing from the port of Moa, in Cuba, to Tampico, in Mexico, between 24 and 31 January 1990.

The cowardly, brutal attack by an armed vessel of the United States Coast Guard Service on a peaceful merchant ship seriously endangered the lives of 12 Cuban citizens and violated the rules of international law, freedom of navigation in international waters and the human rights of a group of brave and heroic Cuban citizens.

The authorities of the United States Government were given due warning by the Ministry of Foreign Affairs of Cuba and the Cuban Interests Section in Washington of the decision by the captain and crew of the Herman not to tolerate the vulgar provocation that was being mounted by the United States Coast Guard Service in an attempt to detain and board the merchant vessel on the dishonest, spurious, offensive and base pretext that the vessel, leased by a Cuban firm, manned by Cubans, operating from Cuban ports and carrying Cuban goods, could be said to resemble a vessel operated by drug traffickers.

The United States authorities were also aware of the position of the Revolutionary Government of Cuba in backing the decision by the captain and crew of the Herman to reject and resist illegal attempts by the United States Coast Guard Service to board the vessel.

As a token of the determination of the Revolutionary Government of Cuba to act in strictest compliance with the rule of law and to contribute in every way possible to efforts to combat illicit narcotics trafficking, the United States authorities were also informed that Cuba would be prepared to have the merchant vessel inspected by Mexican authorities in Mexican territorial waters and that, if it was interested, the United States Government could co-ordinate its action with representatives of the Government of Mexico.

However, United States officials chose to ignore this information and, making use of powers whereby the United States Government has apparently claimed the right to police the entire globe, vessel No. 1320 of the Coast Guard Service proceeded to attack the Herman in the early hours of 31 January as the latter headed for the port of Tampico.

The courageous action of the crew of the Herman and their seagoing skills and expertise made it possible for the vessel to evade repeated attempts by the United States Coast Guard Service to board and sink her, and the vessel finally reached the port of Tampico after having been hit repeatedly by projectiles which had been shot at her from Coast Guard vessel No. 1320, seriously endangering the lives of her Cuban crew.

In conveying to the United States authorities our most vigorous protest at and outraged condemnation of this base, vulgar and offensive provocation, which culminated in the vile, cowardly attack on a peaceful merchant vessel operated by the Cuban State and crewed by 12 exemplary Cubans, we demand that the United States authorities put an immediate stop to such acts of provocation and aggression and make full reparation for the material damage caused by the criminal, cowardly attack on Cuban lives and property by members of the United States Coast Guard Service. The Cuban Government takes good note of such conduct and will know what to be guided by with regard to the treatment which the United States deserves for its infamous action.

The Ministry of Foreign Affairs takes this opportunity to convey to the Interests Section of the United States of America in the Embassy of Switzerland renewed assurances of its consideration.

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21122
3 February 1990

ORIGINAL: ENGLISH

LETTER DATED 3 FEBRUARY 1990 FROM THE ACTING PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

With reference to the recent events involving the Panamanian flag vessel Hermann, the captain and crew of which were Cuban nationals, I wish on behalf of my Government to provide the following information. We have previously conveyed a complete account of these events to the Government of Cuba and have requested an explanation of its behaviour in the incident. The Security Council should not expend its valuable time considering this matter which in no way constitutes a threat to international peace and security.

A U.S. Coast Guard cutter encountered the Hermann in international waters in the Gulf of Mexico on the morning of January 30. The Coast Guard authorities requested permission to board and inspect the vessel as there was reason to suspect the vessel was carrying narcotics or other contraband. Such inspections are routine international maritime procedures to enforce laws concerning narcotics and other contraband smuggling. The captain of the Hermann denied permission and proceeded on towards Mexico.

The Coast Guard subsequently confirmed the vessel's Panamanian registry and obtained permission from the Government of Panama to board and inspect the vessel in accordance with international maritime law and procedures. After consultation with appropriate U.S. and Panamanian authorities, the Coast Guard advised the Hermann that it would use necessary force to board the vessel if it did not stop and permit the Coast Guard to board.

The Cuban Government subsequently informed the U.S. Interests Section in Havana that the crew was Cuban and stated that the vessel should be allowed to continue unimpeded. U.S. authorities advised the Government of Cuba that it would defer enforcement action for several hours so as to allow the Government of Cuba to instruct its nationals aboard the vessel to co-operate with this lawful exercise of authority pursuant to the instructions of the flag state. Cuban authorities then inexplicably ordered the civilian crew of the Hermann to resist any attempts by the Coast Guard to board the vessel.

After pursuing the Hermann all night in international waters and after exhausting all internationally accepted alternative means to stopping the vessel, including attempting to hail the vessel by radio and loudhailer, flashing signal lights, flag hoist, utilizing blue law enforcement light, spraying water across the vessel's decks and down its stack, and firing warning shots across the bow, the Coast Guard cutter fired small-caliber rounds at the vessel's engines in an attempt to disable it. The Hermann still ignored orders to stop and proceeded into Mexican territorial waters. The Coast Guard cutter terminated pursuit approximately 15.5 miles from the Mexican coast and at no time entered Mexican territorial waters.

The U.S. Coast Guard cutter was engaged in a normal and routine law enforcement activity. The action taken by the United States was fully consistent with international maritime law and practice. The United States sought and received permission from the flag state, Panama, to stop and search the vessel. The U.S. Coast Guard cutter resorted to authorized and appropriate force only after the captain's continued refusal to stop and after exhausting all internationally recognized means of stopping the Hermann.

By instructing the crew of the Hermann to resist an authorized and routine boarding by Coast Guard officials, the Government of Cuba jeopardized the lives and safety of its citizens and demonstrated blatant disregard for legitimate law enforcement efforts to investigate and interdict illicit narcotics trafficking in the region. The Government of the United States is unable to understand the Government of Cuba's action in the face of repeated Cuban assurances that the Cuban Government seeks to co-operate with the United States and other nations in combating illicit narcotics trafficking. The Government of Cuba's active efforts to thwart the U.S. Coast Guard search of the Hermann calls into question its publicly stated claim of actively combating narcotics trafficking.

I request that the text of this letter be circulated as a document of the Security Council.

(Signed) M. James WILKINSON
Ambassador
Acting Permanent Representative

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/21123
5 February 1990

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE DEPUTY AND ALTERNATE REPRESENTATIVES OF ROMANIA ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials signed on 31 January 1990 by the Minister for Foreign Affairs of Romania stating that Mr. Nicolae Micu has been appointed deputy representative of Romania on the Security Council and Mr. Ioan Voicu alternate representative.

In the opinion of the Secretary-General, these credentials are in order.

90-02869 1477j (E)